

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BENJAMIN L. SMITH, III and  
EVA W. SMITH,

Plaintiffs,

Case No. 16-13834

v.

Hon. John Corbett O'Meara

BANK OF AMERICA, *et al.*,

Defendants.

---

**ORDER GRANTING  
DEFENDANTS' MOTION TO DISMISS**

Before the court is Defendants Federal National Mortgage Association and Seterus Inc.'s renewed motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). The court denied Defendants' initial motion to dismiss without prejudice on September 28, 2017, to allow the parties to continue settlement efforts. Apparently unsuccessful, Defendants renewed their motion to dismiss on February 13, 2018. Plaintiffs have not filed a response. Accordingly, the court considers their claims to be abandoned.

IT IS HEREBY ORDERED that Defendants' February 13, 2018 motion to dismiss is GRANTED and Plaintiff's claims are DISMISSED.

s/John Corbett O'Meara  
United States District Judge

Date: March 29, 2018

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, March 29, 2018, using the ECF system.

s/William Barkholz  
Case Manager